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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,526	09/29/2000	Ryan Robertson	24530.00400	1776
49637	7590	11/09/2005	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EWART, JAMES D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/677,526	Applicant(s) ROBERTSON ET AL.	
	Examiner James D. Ewart	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 05-06-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7-9,12,13,15-18,21-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-9,12,13,15-18,21-23 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments filed October 24, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Caller ID is not mentioned in the abstract or the independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claim 1 is rejected under 35 USC 102(e) as being unpatentable over Beghtol et al. (U.S. Patent No. 6,253,075).

Referring to claim 1, Beghtol et al. teaches a method of managing phone calls on a personal digital assistant (Column 11, Line 34) having a wireless handheld phone device (Figure 2 and Column 11, Line 34), the method comprising: receiving an incoming call signal for an incoming call from a telephone network (Figure 2; 206); alerting a user of the incoming call (Column 6, Lines 23-25); and receiving a silence signal in response to the user performing an action, after being alerted to the incoming call (Column 6, Lines 30-32); and initiating a silence routine wherein the silence routine is configured to silence a ringer and send the incoming call to a voicemail application (Column 6, Lines 30-32 and Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 13, 15 – 18 and 21 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli (U.S. Patent No. 6,233,464) in view of Sumner (U.S. Patent No. 6,091,947) in view of Watanabe et al (U.S. Patent No. 5,675,641) and further in view of Beghtol et al..

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Referring to claims 3 and 13, Chmaytelli teaches a method of managing phone calls to a wireless handheld phone device of a computing device, wherein the phone call is transmitted from a device in a mobile phone network, the method comprising: determining a status of a radio switch of the personal digital assistant (Column 1, Lines 44-46) and managing a phone call to the phones device, wherein managing the phone call is based on the status of the radio switch (Column 1, Lines 32-48) and receiving the phone call only if the stylus is connected to the computing device (Column 1, Lines 44-46) and when the stylus is connected to the personal digital assistant: alerting a user to the phone call (Column 1, Lines 32-48); but does not teach determining a status of a network coverage and managing a phone call based on the status of the network coverage. Sumner teaches determining a status of network coverage and managing a phone call based on the status of the network coverage (Figure 5; 406, 407, 408). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli with the art of Sumner of determining a status of a network coverage and managing a phone call based on the status of the network coverage to divert an incoming call to a voicemail application when the handset is not disposed to receive normal voice (Column 2, Lines 36-37). The Chmaytelli and Sumner combination teach the limitations of claims 3 and 13, but do not teach receiving the phone call if a earplug device is plugged in, wherein the earplug device is configured to be electrically connected to the wireless phone device, wherein the earplug device is plugged in if the earplug device is electrically connected to the personal digital assistant and is configured to emit sound waves related to the received signals received from the personal digital assistant. Watanabe et al teaches receiving the phone call if a earplug device is plugged in (Column 1, Lines 52-62), wherein the earplug device is

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configured to be electrically connected to the wireless phone device (Column 2, Lines 12-13 and Column 3, Line 27), wherein the earplug device is plugged in if the earplug device is electrically connected to the computing device (Column 2, Lines 12-13 and Column 3, Line 27) and is configured to emit sound waves related to the received signals received from the personal digital assistant (Column 2, Lines 12-13 and Column 5, Lines 16-21). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli and Sumner with the art of Watanabe et al of receiving the phone call if a earplug device is plugged in, wherein the earplug device is configured to be electrically connected to the wireless phone device, wherein the earplug device is plugged in if the earplug device is electrically connected to the personal digital assistant and is configured to emit sound waves related to the received signals received from the personal digital assistant to to prevent undesired feedback of speaker output to the microphone unit (Column 1, Lines 59-60).

Chmaytelli, Sumner and Watanabe et al teach the limitations of claims 3 and 13, but do not teach silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call. Beghtol et al. teaches silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call (Column 6, Lines 21-39 and Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli, Sumner and Watanabe et al. with the teaching of Beghtol et al. of silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call to allow a user to manually reject a call (Column 3, Lines 40-43).

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Referring to claims 17 and 18, Chmaytelli teaches a computer-readable medium carrying one or more sequences of one or more instructions for managing a phone call to a phone device of a computing device (Figure 4), the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: determining a status of a radio switch of the personal digital assistant (Column 1, Lines 44-46) and receiving the phone call only if the stylus is connected to the computing device (Column 1, Lines 44-46) and when the stylus is connected: alerting a user to the phone call (Column 1, Lines 32-48); but does not teach determining a status of a network coverage of the phone device. Sumner teaches determining a status of network coverage of the phone device (Figure 5; 406, 407, 408). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli with the art of Sumner of a status of a network coverage of the phone device to divert an incoming call to a voicemail application when the handset is not disposed to receive normal voice (Column 2, Lines 36-37). The Chmaytelli and Sumner combination teach the limitations of claims 17 and 18, but do not teach determining a status of a earplug device, wherein the earplug device is configured to be electrically connected to the wireless phone device, wherein if the earplug device is plugged in, the earplug device is electrically connected to the personal digital assistant and is configured to emit sound waves related to the received signals received from the wireless handheld phone device of the personal digital assistant. Watanabe et al teaches determining a status of a earplug device (Column 1, Lines 52-62), wherein the earplug device is configured to be electrically connected to the wireless phone device (Column 2, Lines 12-13 and Column 3, Line 27), wherein if the earplug device is plugged in, the earplug device is electrically

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connected to the personal digital assistant (Column 2, Lines 12-13 and Column 3, Line 27) and is configured to emit sound waves related to the received signals received from the wireless handheld phone device of the personal digital assistant (Column 2, Lines 12-13 and Column 5, Lines 16-21). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli and Sumner with the art of Watanabe et al of determining a status of a earplug device, wherein the earplug device is configured to be electrically connected to the wireless phone device, wherein if the earplug device is plugged in, the earplug device is electrically connected to the personal digital assistant and is configured to emit sound waves related to the received signals received from the wireless handheld phone device of the personal digital assistant to prevent undesired feedback of speaker output to the microphone unit (Column 1, Lines 59-60). Chmaytelli, Sumner and Watanabe et al teach the limitations of claims 3 and 13, but do not teach silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call. Beghtol et al. teaches silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call (Column 6, Lines 21-39 and Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli, Sumner and Watanabe et al. with the teaching of Beghtol et al. of silencing a ringer and sending the phone call to a voicemail application when the user performs an action to initiate a silence routine after being alerted to the phone call to allow a user to manually reject a call (Column 3, Lines 40-43).

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Referring to claims 7 and 21, Sumner further teaches receiving a voicemail notification from the mobile phone network; and displaying a voice mail notification message (Column 7, Lines 23-31).

Referring to claim 15, Chmaytelli further teaches a display device (Figure 1, 204) and a tap recognizer connected to the display device for recognizing user input (Column 2, Lines 20-24). Beghtol et al. teaches wherein the user input initiates a voicemail application (Column 6, Lines 21-39 and Figure 2).

Referring to claim 16, Chmaytelli further teaches a display device (Figure 1, 204) and a tap recognizer connected to the display device for recognizing user input (Column 2, Lines 20-24). Beghtol et al. teaches wherein the user input answers a phone call and initiates a call application (Column 6, Lines 43-44).

6. Claims 8, 9, 22, and 23 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli, Sumner, Watanabe et al and Beghtol et al. and further in view of Rhodes (US Patent No. 6,343,120).

Referring to claims 8 and 22, Chmaytelli, Sumner, Watanabe et al and Beghtol et al. teach the limitations of claims 8 and 22, but do not teach receiving caller data of the phone call, wherein the caller data includes information on a phone number associated with the phone call, and information on a name associated with the phone number; and displaying an incoming message, wherein the incoming message includes information related to the caller data. Rhodes

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teaches receiving caller data of the phone call, wherein the caller data includes information on a phone number associated with the phone call, and information on a name associated with the phone number; and displaying an incoming message, wherein the incoming message includes information related to the caller data (Column 1, Lines 32 – 58). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli, Sumner, Watanabe et al and Beghtol et al. with the teaching of Rhodes of receiving caller data of the phone call, wherein the caller data includes information on a phone number associated with the phone call, and information on a name associated with the phone number; and displaying an incoming message, wherein the incoming message includes information related to the caller data to allow the subscriber to make a decision as to whether to answer the telephone call (Column 1, Lines 56-57).

Referring to claims 9 and 23, Rhodes further teaches wherein the information on the phone number is identifiable or unidentifiable, and wherein the information on the name is identifiable or unidentifiable (Column 1 Line 59 to Column 2, Line 3).

7. Claims 12 and 26 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli, Sumner, Watanabe et al and Beghtol et al. and further in view of Wang et al. (US Patent No. 6,161,134).

Referring to claims 12 and 26, Chmaytelli, Sumner, Watanabe et al and Beghtol et al. teach the limitations of claims 12 and 26 including wherein the call device is configured to be

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active if the phone call is being answered, but do not teach suspending a current application other than a call device and initiating the call device. Wang et al teaches suspending a current application other than a call device and initiating the call device (Column 23, Lines 50-57).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli, Sumner Watanabe et al and Beghtol et al. with the art of Wang et al of suspending a current application other than a call device and initiating the call device to allow the user to provide this feature as an operating parameter (column 23, Lines 50-51).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams U.S. Patent No. 6,400,814 discloses telephone with ringer silencer screening feature.

Birckbichler U.S. Patent No. 5,796,806 discloses apparatus and method for spoken caller identification using signals of the advanced intelligent network.

Latter et al. U.S. Patent No. 6,574,319 discloses convenience features in a method and system for providing enhanced caller identification.

Link, II et al. U.S. Patent No. 6,334,054 discloses wireless telephone with improved pager mode.

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Roderique U.S. Patent No. 6,941,131 discloses incoming call handling method for mobile communications device incorporating mobile assisted messaging on demand.

Scott U.S. Patent No. 6,895,237 discloses method and apparatus for responding to an incoming call.

Ulveland U.S. Patent No. 6,215,993 discloses caller ID preview for mobile telephones.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on (571)272-

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7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



Ewart

November 3, 2005



WILLIAM TROST
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